cash collateral support application

customer information

This form must be completed for each business entity acting as a borrower or guarantor on the note, as well as by every natural person holding a 20 percent or greater ownership interest in any of those business entities guaranteeing the note. If no single person holds a 20 percent or greater ownership interest, contact CHFA for detailed instructions for completing this form. If borrowing entity is a nonprofit, form must be completed by a member of leadership authorized to sign on behalf the organization.

Please note: this application should be submitted to the lender who is providing your loan. You cannot submit a CCS application directly to CHFA.

owner information

Name			Date
Residence Address			
City	State	Zip	County
Personal Phone	Personal Email		

business information

Legal Name of Business			
Business Address			
City	State	Zip	County
Contact			
Phone	Email		
Tax ID or Social Security Number			
Date Established	NAICS Code (6- or 8-digit)		
Business Description			

Legal entity type of the borrower

☐ Any organizational form that is a nonprofit entity	☐ Corporation	☐ Limited liability company	☐ Tribal enterprise
☐ Any organizational form that is a nonprofit entity	☐ Partnership	☐ Worker cooperative or other employee-owned entity	☐ Tribal member-owned business
			☐ Other _____

List of Principals

"Principal" means the following: Every natural person holding a 20 percent or greater ownership interest in either the operating entity or any additional entities guaranteeing the note. If no single person holds a 20 percent or greater ownership interest, contact CHFA for detailed instructions for completing this form.

Name	Ownership
	%
	%
	%
	%
	%

Does your business make climate-aligned investments?

Climate-aligned investments may reduce greenhouse gas emissions or promote adaptation to climate change or energy transitions. This could be either in the business's activities (including its production processes and use of energy, inputs, supply chain services, and/or actions to increase resiliency) or by supplying products and services that contribute to lower emissions.

Climate-aligned investments can include investment supporting weatherization; energy-efficient prefabrication or manufacturing; supply chain use, processes or production resulting in lower emissions; energy site transitions; sustainable and/or climate-smart agriculture and forestry; renewable energy development or implementation (including wind, solar, hydroelectric, biomass, geothermal, and other low-carbon technologies); electric vehicle innovation or use; and other investments that aim to build climate resilience, support adaptation to extreme weather and climate events, and/or mitigate climate change.

☐ Yes

☐ No

If yes, please describe how your business makes climate-aligned investments.

use of project funds (including loan funds and equity)

description	cost	other description	
Real Estate or Land Acquisition	$		
Construction or Rehabilitation	$		
Equipment (describe at right)	$		☐ New ☐ Used
Working Capital	$		
Other (describe at right)	$		
Total	$		
Less Equity	$		
Total Loans	$		

staffing

(in Colorado only)

Full-time and part-time employee and wage figures must be provided for every row below.

description	total number	
	full-time	part-time
Current employees		
Average annual wage of employees		
Jobs retained due to CCS-supported loan*		
New positions to be added within 2 years of receiving loan		
Average wage of new positions		
*Job losses averted as a result of the CCS-supported loan.		

benefits	
Medical	☐ Full-time ☐ Part-time
Dental	☐ Full-time ☐ Part-time
Savings/401K	☐ Full-time ☐ Part-time
Paid Vacation	☐ Full-time ☐ Part-time
Tuition Reimbursement	☐ Full-time ☐ Part-time
Paid Sick Leave	☐ Full-time ☐ Part-time
Other:	☐ Full-time ☐ Part-time

other information

Have you or any officer of your company ever been involved in bankruptcy or insolvency proceedings?	☐ Yes	☐ No
Have you or any officer of your company ever defaulted on SBA, CHFA, Federal, or State financing?	☐ Yes	☐ No
Are you, any officer of your company, or your business involved in any pending lawsuits?	☐ Yes	☐ No

demographic information

This transaction is supported with funding provided through the State Small Business Credit Initiative (SSBCI), a federal program that supports small business lending and investment programs. SSBCI programs are designed to expand access to capital, promote economic resiliency, and create new jobs and economic opportunity. This information is being collected to help ensure that communities' small business credit needs are being fulfilled and allow SSBCI to analyze the populations that SSBCI funding is benefiting.

Providing this demographic information is optional but applicants are encouraged to do so. The entity collecting this information cannot discriminate on the basis of whether an applicant provides this information, or based on any information provided on this form. If you decline to provide this information, it will not adversely affect your application. The demographics-related information collected can only be used for purposes of the SSBCI program and must not be used for any other purposes (e.g., marketing, sale to third parties). The information collected must also not be used in a manner that violates any applicable anti-discrimination laws, including, but not limited to, the following authorities: Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d-1 et seq., and Treasury's implementing regulations, 31 C.F.R. part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 et seq., and Treasury's implementing regulations, 31 C.F.R. part 28; the Age Discrimination Act of 1975, 42 U.S.C. § 6101 et seq., and Treasury's implementing regulations at 31 C.F.R. part 23.

If you believe you were discriminated against in connection with the provision of the information provided on this form, contact: Director, Office of Civil Rights and Diversity, U.S. Department of the Treasury, 1500 Pennsylvania Ave, N.W., Washington, DC 20220, or by email at crcomplaints@treasury.gov.

Owned or Controlled

For purposes of this form, an applicant is a considered to be 'owned or controlled' by a certain demographic community if the business meets one or more of the following:

1. if privately owned, 51 percent or more is owned by members of that demographic community;
2. if publicly owned, 51 percent or more of the stock is owned by members of that demographic community;
3. in the case of a mutual institution or nonprofit, a majority of the board of directors, account holders, and the community which the institution services is predominantly comprised of members of that demographic community; or
4. one or more individuals who are members of that demographic community have the power to exercise a controlling influence over the business.

For each category below, the person completing this form should indicate the one or more categories with which they identify

Minority-owned Business. Indicate whether the business is a minority-owned or controlled business.	**Women-owned business.** Indicate whether the business is a women-owned or controlled business.	**Veteran-owned Business.** Indicate whether the business is a veteran-owned or controlled business.
☐ Yes ☐ Prefer not to respond ☐ No	☐ Yes ☐ Prefer not to respond ☐ No	☐ Yes ☐ Prefer not to respond ☐ No

Socially & Economically Disadvantaged Individuals (SEDI) Status.

The SSBCI program requires that participating states target business enterprises that are owned and controlled by Socially and Economically Disadvantaged Individuals (SEDI). Colorado's overall SSBCI allocation will be impacted by the state's ability to meet the required threshold for providing support to SEDI businesses, so it is important that borrowers complete this section accurately and completely to ensure the state can access its full allocation. By selecting any of the options below, borrower certifies that they are owned and controlled by individuals who have had their access to credit on reasonable terms diminished as compared to others in comparable economic circumstances due to the categories being selected. Select all that apply:

☐ Membership of a group that has been subjected to racial or ethnic prejudice or cultural bias within American society

☐ Due to gender

☐ Due to veteran status

☐ Due to limited English proficiency

☐ Due to disability

☐ Due to membership of a Federally or state-recognized Indian Tribe

☐ Due to long-term residence in a rural community*

☐ Due to residence in a U.S. territory

☐ Due to residence in a community undergoing economic transitions (including communities impacted by the shift towards a net-zero economy or de-industrialization

☐ Due to membership of an "underserved community" as defined in Executive Order 13985 (see the definition of "underserved community" below†)

☐ None of these apply

*Long-term residence is defined as having lived in a rural community for one year or longer. All but the following counties are considered to be rural: Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, El Paso, Jefferson, Larimer, Weld.

†The term "underserved communities" refers to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life.

☐ Will your business be located in a CDFI Investment Area, as evidenced by the business address?

☐ Is business owned and controlled by individuals whose residences are in a CDFI Investment Area?

☐ None of these apply

For each category below, the person completing this form should indicate the one or more categories with which they identify

Race. The Principal completing this form should indicate the one or more categories with which they identify.	**Ethnicity.** For each principal owner of the business, indicate which of the following ethnicity categories the principal owner identifies with.	**Middle Eastern or North African Ancestry of Principal Owners.** For each principal owner of the business, indicate which of the following ancestry categories the principal owner identifies with.
☐ American Indian/Alaskan Native Asian ☐ Chinese ☐ Filipino ☐ Indian ☐ Japanese ☐ Korean ☐ Vietnamese ☐ Asian (other) ☐ Black/African American Native Hawaiian/Other Pacific Islander ☐ Guamanian or Chamorro ☐ Native Hawaiian ☐ Samoan ☐ Pacific Islander (Other) ☐ White ☐ Prefer not to respond	☐ Hispanic or Latino/a ☐ Not Hispanic or Latino/a ☐ Prefer not to respond	☐ Middle Eastern or North African ☐ Not Middle Eastern or North African ☐ Prefer not to respond

Gender of Principal Owners. For each principal owner of the business, indicate which one of the following gender categories the principal owner identifies with.	**Sexual Orientation of Principal Owners.** For each principal owner of the business, indicate which one of the following sexual orientation categories the principal owner identifies with.	**Veteran Status of Principal Owners.** For each principal owner of the business, indicate which of the following categories the principal owner identifies with.
☐ Female ☐ Prefer to self-describe _____ ☐ Male _____ ☐ Nonbinary ☐ Prefer not to respond	☐ Gay or lesbian ☐ Bisexual ☐ Straight, that is, not gay, lesbian, or bisexual ☐ Something else ☐ Prefer not to respond	☐ Veteran ☐ Non-veteran ☐ Prefer not to respond

signature

By signing below I (a) confirm that all of the information on this application is correct including the certifications contained on the following page; (b) acknowledge that I have read and understand the disclaimers and information on the following page and (c) confirm that I am authorized to sign and make the certifications in this application.

Signature	Date
Name	Title

nondiscrimination and affirmative action

The federal Equal Credit Opportunity Act prohibits creditors from discriminating against credit applicants on the basis of race, color, religion, national origin, sex, marital status, age (provided the applicant has the capacity to enter into a binding contract); because all or part of the applicant's income derives from any public assistance program; or because the applicant has in good faith exercised any right under the Consumer Credit Protection Act. The federal agency that administers compliance with this law concerning this creditor is the Federal Trade Commission, Equal Credit Opportunity, Washington, D.C. 80580.

With respect to its programs, services, activities, and employment practices, Colorado Housing and Finance Authority prohibits unlawful discrimination against applicants or employees on the basis of age 40 years and over, race, sex, sexual orientation, gender identity, gender expression, color, religion, national origin, disability, military status, genetic information, marital status or any other status protected by applicable federal, state or local law. Requests for reasonable accommodation, the provision of auxiliary aids, or any complaints alleging violation of this nondiscrimination policy should be directed to the Nondiscrimination Coordinator, 1.800.877.2432, TDD/TTY 800.659.2656, CHFA, 1981 Blake Street, Denver, Colorado 80202-1272, available weekdays 8:00am to 5:00pm.

authorization/certification

As a political subdivision of the State of Colorado working to create opportunities for a better Colorado, Colorado Housing and Finance Authority (CHFA) reserves the right to publicize financing under its Community Development Division. If provided a loan or other financing through one of CHFA's Commercial programs, the borrower or sponsor authorizes the use of the development, owner, sponsor, and/or business name in the marketing of this program. The applicant authorizes any insurance agent or company to provide copies of policies of insurance with respect to the Project, borrowers or guarantors, including without limitation copies of any life insurance policies.

I/we certify that at least 51 percent of the outstanding interest in the business is owned by those who are either citizens of the United States or reside in the United States after being legally admitted for permanent residence. I/we also guarantee the above and enclosed information to be true and correct. I/we also understand that intentional misrepresentation of facts may be the basis for a denial of credit. I/we authorize you to check my/our personal and company credit information.

As a political subdivision of the State of Colorado, CHFA is subject to the Colorado Open Records Act (CORA) C.R.S. §§ 24-72-201, et seq., which requires CHFA to permit inspection and copying of certain public records. Applicants should be aware that documents submitted to CHFA pursuant to this loan application may be subject to inspection by the public. If an Applicant believes that certain information included in the loan application is subject to exclusion under CORA, the Applicant should specifically delineate such information and state the specific exclusion. CHFA shall consider such statements in its response to requests for inspection under CORA. CHFA will notify the Applicant if a request is made for such information so that the Applicant may take any action it deems necessary to defend against the request. The Applicant, not CHFA, shall be the entity responsible for defending against CORA disclosures for any records.

important information

The following uses and activities shall not be conducted in or on the Project: Activities which are illegal under federal, state, or local laws; selling, producing, or displaying sexually-oriented material (e.g., adult book stores, adult video stores, adult theaters, etc.); non-medical massage services; a business generating greater than fifty percent (50%) of its revenues from the sale of alcoholic beverages (breweries, wineries and distilleries are excluded from this rule); a business or organization that discriminates in its membership or facility usage on the basis of race, color, national origin, religion, gender, age, disability, citizenship status, marital status, sexual orientation, or any other status protected by law; gambling activities (not including sale of state sanctioned lottery tickets); selling or dispensing products illegal under federal, state, or local laws; religious services, instruction of overtly sectarian activities; pawn brokering; making "payday" or short-term loans by an entity that is not a bank, credit union, savings and loan, or other banking institution; and escort services.

borrower certifications to chfa

Borrower is one of the following entities: corporation, sole-proprietor, partnership, nonprofit, limited liability company, or other entity operating in the State of Colorado. (Permissible borrowers include state-designated charitable, or other nonprofit or eleemosynary institutions, government-owned corporations, or consumer and marketing cooperatives provided the Loan is for a "Business Purpose" as defined below).

Borrower shall:

- Use the Loan proceeds for a Business Purpose and not for any "Ineligible Uses" (defined below);
- Have no more than 750 employees; and
- Be and remain legally allowed to operate in the State of Colorado.

The Loan proceeds will be used for a "Business Purpose." A Business Purpose includes, but is not limited to, start-up costs; working capital; franchise fees; and acquisition of equipment, inventory, or services used in the production, manufacturing, or delivery of a business's goods or services, or in the purchase, construction, renovation, or tenant improvements of an eligible place of business that is not for passive real estate investment purposes. SSBCI funds may be used to purchase any tangible or intangible assets except goodwill. The term "business purpose" excludes acquiring or holding passive investments in real estate, the purchase of securities, and lobbying activities (as defined in Section 3(7) of the Lobbying Disclosure Act of 1995, P.L. 104-65, as amended).

The Loan proceeds will not be used for any of the following "Ineligible Uses:"

- Repayment of delinquent federal or state income taxes unless the borrower has a payment plan in place with the relevant taxing authority;
- Repayment of taxes held in trust or escrow (e.g., payroll or sales taxes);
- Reimbursement of funds owed to any owner, including any equity investment or investment of capital for the business' continuance;
- Purchase any portion of the ownership interest of any owner of the business, except for the purchase of an interest in an employee stock ownership plan qualifying under section 401 of Internal Revenue Code, worker cooperative, or related vehicle, provided that the transaction results in broad-based employee ownership for the employees in the business and the employee stock ownership plan or other employee-owned entity holds a majority interest (on a fully diluted basis) in the business;
- The payment to any person to influence or attempt to influence any agency, elected official, officer, or employee of a State or Local Government in connection with the making, award, extension, continuation, renewal, amendment, or modification of any State or Local Government contract, grant, loan, or cooperative agreement as such terms are defined in 31 U.S.C. §1352; or
- The payment of any costs incurred in connection with: (i) any defense against any claim or appeal of the United States Government, any agency or instrumentality thereof (including the US Department of Treasury), against the State of Colorado, or (ii) any prosecution of any claim or appeal against the United States Government, any agency or instrumentality thereof (including the US Department of Treasury), which the State of Colorado instituted or in which the State of Colorado has joined as a claimant.
- Acquiring or holding passive investments in real estate. Loan proceeds are used for passive real estate investment purposes when the proceeds of the loan are used to invest in real estate acquired and held primarily for sale, lease, or investment. Passive real estate investment includes most real estate development (including construction) in which the developer does not intend to occupy or actively use the resulting real property.
- To improve or renovate any portion of rentable property that the small business borrower leases to a third party. "Rentable property" means the total square footage of all buildings or facilities used for business operations, which (1) excludes vertical penetrations (e.g., stairways, elevators, and mechanical areas that are designed to transfer people or services vertically between floors) and all outside areas and (2) includes common areas (e.g., lobbies, passageways, vestibules, and bathrooms).

The Borrower is not:

- An executive officer, director, or principal shareholder of the Lender;
- A member of the immediate family of an executive officer, director, or principal shareholder of the Lender;
- A related interest of such executive officer, director, principal shareholder, or member of the immediate family;
- A business engaged in speculative activities that profit from fluctuations in price, such as wildcatting for oil and dealing in commodities futures, unless those activities are incidental to the regular activities of the business and part of a legitimate risk management strategy to guard against price fluctuations related to the regular activities of the business or through the normal course of trade;
- A business that earns more than half of its annual net revenue from lending activities, unless the business is (1) a CDFI that is not a depository institution or a bank holding company, or (2) a Tribal enterprise lender that is not a depository institution or a bank holding company;

- A business engaged in pyramid sales, where a participant's primary incentive is based on the sales made by an ever-increasing number of participants;

- A business engaged in activities that are prohibited by federal law or, if permitted by federal law, applicable law in the jurisdiction where the business is located or conducted (this includes businesses that make, sell, service, or distribute products or services used in connection with illegal activity, unless such use can be shown to be completely outside of the business's intended market); this category of businesses includes direct and indirect marijuana businesses, as defined in SBA Standard Operating Procedure 50 10 6; or

- A business deriving more than one-third of gross annual revenue from legal gambling activities unless the business is a Tribal SSBCI participant, in which case the Tribal SSBCI participant is prohibited from using SSBCI funds for gaming activities, but is not restricted from using SSBCI funds for non-gaming activities merely due to an organizational tie to a gaming business; "gaming activities" for purposes of Tribal SSBCI programs is defined as Class II and Class III gaming under the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. § 2703.;

- A business engaged in non-medical message services; or

- A business generating greater than 50 percent of its revenues from the sale of alcoholic beverages; breweries, wineries, and distilleries excluded from this rule; or

- A business or organization that discriminates in its membership or facility usage on the basis of race, color, national origin, religion, gender, age, disability, citizenship status, sexual orientation, or any other status protected by law; or

- A business engaged in pawn brokering.

No principal of the borrowing entity has been convicted of a sex offense against a minor [as such terms are defined in section 111 of the Sex Offender Registration and Notification Act (42 U.S.C. § 16911)]. For purposes of this certification, "principal" is defined as if a sole proprietorship, the proprietor; if a partnership, each partner; if a corporation, limited liability company, association, development company, or other entity, each director, each of the five most highly compensated executives, officers, or employees of the entity, and each direct or indirect holder of 20 percent or more of the ownership stock or stock equivalent of the entity.

The Borrower shall cooperate with the Lender, CHFA, OEDIT, CEDC, Treasury and any of their representatives, and provide the information described in Appendix A, Section 10 of this Deposit Agreement to the Lender and CHFA, as well as any other information necessary for CHFA to provide reports and any other information required from time to time under the CCS Program, including any rules, guidelines, and regulations which may be promulgated or amended from time to time.

The Borrower represents and warrants that the information contained in this certification, and all the information provided by Borrower and Borrower's principals in Borrower's application for the Loan and the Initial Deposit, and all of the information provided by Borrower in the Loan approval process is true and correct.